



AF/2165

PATENT

#16

1 of 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Glen Anderson et al

Application No. 09/365,731

Filed: August 3, 1999

For: INDEPENDENT STATUS AND
HELP DISPLAY

TC/Art Unit: 2165.

Examiner: Thomas T. NGUYEN

Atty Docket: P65745US0

APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. § 1.192

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

PO Box 1450

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Sir:

Further to the Notice of Appeal filed June 25, 2003, Appellants submit the following Brief on Appeal, including an original and two (2) copies of our Brief on Appeal. Enclosed is a check in the amount of \$320.00 in connection with the filing of this Appeal Brief.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR § 1.136(a); and any other fees required for consideration of this paper and any papers associated with it are hereby authorized to be charged to our Deposit Account No. 06-1358.

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I. REAL PARTY IN INTEREST

As a result of an Assignment recorded August 3, 1999 at Reel/Frame 010162/0625, the real party in interest is Gateway, Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF CLAIMS

Claims 1 through 22, which represent all of the claims in the case, are on appeal and have the following status:

Claim 1 is amended and rejected.

Claims 2 through 11 are original and rejected.

Claim 12 is amended and rejected.

Claims 13 through 22 are original and rejected.

Claims 1 through 22 are on appeal.

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IV. STATUS OF AMENDMENTS

A response was filed on April 28, 2003 after final rejection. None of the claims were amended or cancelled. The Examiner issued an advisory action on June 3, 2003 stating that the request for reconsideration was considered but did not place the application in condition for allowance.

V. SUMMARY OF INVENTION

The present invention relates to displays for "status" or "help" information in computer application programs. More specifically, the invention relates to status or help displays that are presented so as not to overlap with windows of the application program to which the status or help display pertains.

When a computer user wants to display application program status information or invoke a help function (either manually or automatically), a context-sensitive status or help display is provided that is either physically or virtually separate from the application program display. That is, the status or help display does not overlap, conceal, or otherwise interfere with the main output

of the application program. With this arrangement, the user is not inconvenienced by invoking a status request or help function, nor is the user distracted by the display. The status or help information may be displayed in a portion of a single screen that does not overlap with the active window of the application program (a virtually separate display). Alternatively, a physically separate auxiliary display may be provided for display of the status or help information.

Figure 1 shows a first embodiment consisting of a main display 120, a computer chassis 110, a keyboard 130, and an auxiliary display 150 joined to the computer chassis 110 by a connection cable 150.

Figure 2 shows a second embodiment consisting of a display 220 having a first display region 221 and a second display region 222, a computer chassis 210, and a keyboard 130.

The most important thing common to all embodiments is that display of a status or help window does not obscure or otherwise interfere with the presentation of an application program. This is accomplished in each embodiment by providing exclusive display areas for the application program and the status or help information. In the figure 1 embodiment, the main display 120 has an area dedicated to display an application program and the auxiliary display 140 has an area dedicated to displaying auxiliary information in the form of status or help information. In the figure 2 embodiment, first region 221 of display 220 provides an area dedicated to display an application program and the second region 222 of display 220 provides an area dedicated to displaying auxiliary information in the form of status or help information.

Under no circumstances do the application program displays and the auxiliary displays interfere or overlap each other in any of the embodiments.

VI. ISSUES

The following is a concise statement of the issues presented for review:

1. Whether claims 1, 3, 4, 8 – 12, 14, 15, and 19 – 22 are anticipated under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 5,715,415 (Dazey et al).
2. Whether claims 2, 5 – 7, 13, and 16 – 18 are unpatentable under 35 U.S.C. 103 over Dazey et al in view of U.S. Patent No. 6,104,359 (Endres et al).

VII. GROUPING OF CLAIMS

To help the Board in consideration of this appeal, Applicants point out that there are only two independent claims currently pending. Claim 1 is an apparatus claim directed to a computer system and claim 12 is a method claim directed to a method for displaying auxiliary information. Claims 2 – 11 stand or fall based on claim 1 and claims 13 – 22 stand or fall based on claim 12.

VIII. ARGUMENT

1. Rejections under 35 U.S.C. § 112, first paragraph

There are no rejections under 35 U.S.C. § 112, first paragraph.

2. Rejections under 35 U.S.C. § 112, second paragraph

There are no rejections under 35 U.S.C. § 112, second paragraph.

3. Rejections under 35 U.S.C. § 102

Claims 1, 3, 4, 8 through 12, 14, 15, and 19 through 22 have been finally rejected under 35 USC §102(b) as being anticipated by Dazey et al. (U.S. Patent No. 5,715,415) (hereinafter “the Dazey patent”). Of the rejected claims, claims 1 and 12 are independent claims. Therefore, these claims will be considered first.

Claim 1 is an independent claim that has been rejected under 35 U.S.C. §102(b) as being anticipated by the Dazey patent for the reasons specifically set forth on pages 2 and 3 of the Final Office Action dated February 26, 2003 and as reaffirmed in the Advisory Action, dated June 3, 2003. The Examiner takes the position that all of the elements recited in claim 1 are found in the Dazey patent. In particular, the Examiner relies on the Abstract, the Summary of the Invention, and Figure 5. He also points to col. 4, lines 46-67, and col. 2, lines 16-22.

The Examiner takes the position that the claimed first display means is shown as item 50 in Figure 5 of the Dazey patent and the claimed second display means is shown as Item 70 in Figure 5 of the Dazey patent. With regard to the claimed means for separately routing the main window exclusively to the first display and the auxiliary information exclusively to the second display so that display of the auxiliary information does not overlap the display of the main window, the Examiner relies generally on the discussion at col. 4, lines 46-67 of the Dazey patent and, in particular, the quotation taken from col. 2, lines 16-22, that “when the user requires help, the user

activates a button on the user interface to show the help content. The graphical window containing the application is partitioned to define a help pane which shows the help content. The help pane is integrated into and appears positioned adjacent to a workspace to assist the user with context specific, step-by-step, instructions.”

A careful reading of the Dazey patent shows that the computer application with help pane suffers from the same shortcomings as the rest of the prior art, namely, that where there is a dedicated main window of an application program displayed on a screen, whenever auxiliary information is to be displayed, the auxiliary information at some point overlaps the application program in the main window and invades the exclusive display area for the main window.

The Board’s attention is directed to col. 5, lines 27-37. That portion of the specification is reproduced as follows:

When the help pane 70 is displayed, it encroaches on the workspace 50 and may initially cover a portion of the publication 52. In the illustrated drawing, the help pane 70 covers almost one half of the workspace. For normal size computer monitors, however, the help pane 70 covers a far less percentage of the workspace 50. To ensure that the entire publication can be viewed when the help pane 70 is displayed, the publication 52 is re-sized within the workspace 50. Figure 5 shows the application window 44 with an active help pane 70 and the publication 52 re-sized within workspace 50 to be visible to the user.

Thus, it can be seen that the Dazey patent does not teach every element of claim 1 so that the claim cannot be rejected under 35 U.S.C. §102 as being anticipated by the Dazey patent.

In fact, the Dazey patent actually teaches away from the present invention as provided for in claim 1 by requiring that the window 50 be resized to make room for the help screen after the help screen overlaps the window. This is shown graphically in Figures 3 and 4 where the window 50 is at its full size in Figure 3 and then, after having been overlapped by the help window 70, is resized in Figure 4. As can be seen, window 50 is clearly interfered with by the help window 70.

In this way, Dazey does not teach the first and second dedicated displays where the first display only displays a main window of an application program and the second display only

displays auxiliary information. Further, the reference does not teach the use of a device for separately routing the main window exclusively to the first display area and the auxiliary information exclusively to the second display area so that the display of the auxiliary information never overlaps the display of the main window. In fact, according to the Dazey patent, the help pane 70 is actually displayed in the display area that was previously occupied by the window 50.

Further, it is respectfully submitted that in light of the shortcomings of the Dazey patent, the Dazey patent, taken alone or in combination with any of the references of record, does not teach or suggest that which Applicants regard as their invention as provided for in amended claim 1.

Claims 2 through 11 can trace their dependence to claim 1 and as such incorporate the limitations of that claim. For at least this reason, it is respectfully submitted that claims 2 through 11 are likewise in condition for allowance. Further, it is respectfully submitted that claims 1 through 11 are neither anticipated nor made obvious by any of the references of record taken alone or in combination.

Turning now to independent claim 12, this claim relates to a method for displaying auxiliary information to prevent overlap with display of a main window of an application program. The Examiner has again applied the Dazey patent under 35 U.S.C. §102 for the reasons previously discussed with respect to claim 1. In that regard, the Dazey patent suffers from the same shortcomings enumerated before and the Dazey patent, neither teaches nor suggests the step of routing and displaying the main window of the application program to a first dedicated display area that cannot display the auxiliary information and separately routing the auxiliary information to a second dedicated display area that cannot display the main window, so that the display of the auxiliary information never overlaps the display of the main window.

In the Dazey patent, when the help screen 70 is invoked, the display 50 which corresponds to the claimed main window must be resized to make room for the help display 70 so that the help screen can occupy a portion of the display area normally occupied by the main window 50. By way of example, when the help display 70 is not invoked, the main window 50 occupies a particular area of the display. When the help window 70 is invoked, it then covers or is placed in the same display area as that previously occupied by the main window 50. Thus, the Dazey patent actually teaches away from that provided for in claim 12 and offers no suggestion or teaching of providing the first and second dedicated display areas where the first display area cannot display the auxiliary information and the second dedicated display area cannot display the main window. The opposite is true in the Dazey patent.

Thus, it is respectfully submitted that claim 12 may no longer be rejected under 35 U.S.C. §102 as being anticipated by the Dazey patent. Further, it is respectfully submitted that none of the references taken alone or in combination anticipate or make obvious that which Applicants regard as their invention as provided for in claim 12.

Claims 13 through 22 can trace their dependence to claim 12 and as such incorporate the limitations of that claim. Therefore, for the reasons just expressed with regard to the allowability of claim 12, claims 13 through 22 are neither anticipated nor made obvious by any of the references of record taken alone or in combination.

4. Rejections under 35 U.S.C. § 103

The Examiner has also finally rejected claims 2, 5 through 7 and 13 and 16 through 18 under 35 U.S.C. §103(a) as being unpatentable over the Dazey patent in view of Endres et al. (U.S. Patent No. 6,104,359). In light of the arguments presented in connection with independent claims 1 and 12, all of the dependent claims that have been rejected under 35 U.S.C. §103 are in

condition for allowance and are neither anticipated nor made obvious by any of the references of record taken alone or in combination.

5. Other Matters

In the response to Applicants' Remarks, the Examiner commented on the Endres reference. His comments indicate that he does not appreciate what the Applicants were saying about the Endres reference. The statement by the Applicants that Endres is cited merely for its showing the use of a multi-monitor support feature, but does not have any of the teachings with regard to ensuring the complete separation and non-overlap of the main window of an application program by the auxiliary information. This statement was made by Applicants to further show that, like the Dazey patent, none of the references cited or applied by the Examiner show the critical features that are provided for in independent claims 1, and 12 and their dependent claims.

IX. CONCLUSION

Thus, it is respectfully submitted that a fair reading of the arguments presented herein, leads to the conclusion that all of the claims on appeal are in condition for allowance. A favorable decision is earnestly solicited.

Respectfully submitted,

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X APPENDIX

1. (Amended) A computer system comprising:

first display means having a predetermined first display area dedicated to displaying a main window of an application program;

second display means having a predetermined second display area dedicated to displaying auxiliary information related to the application program; and

means, responsive to the application program, for separately routing the main window exclusively to the first display area and the auxiliary information exclusively to the second display area so that display of the auxiliary information never overlaps display of the main window.

2. (Original) The system of claim 1, wherein:

the routing means includes a multimonitor support feature inherent in an operating system of the computer system.

3. (Original) The system of claim 1, wherein:

the auxiliary information is help information from a help information data base included in the application program.

4. (Original) The system of claim 1, wherein:

the first and second display means constitute different portions of a screen on a single display device.

5. (Original) The system of claim 1, wherein:

the first and second display means constitute respective first and second physically separate display devices.

6. (Original) The system of claim 5, wherein:

the second display device is physically smaller than the first display device.

7. (Original) The system of claim 5, wherein:

the second display device has a lower resolution than the first display device.

8. (Original) The system of claim 1, wherein:

the system further comprises intercepting means for intercepting a user request; and

the routing means routes the auxiliary information to the second display means in response to the intercepting means' interception of the user request.

9. (Original) The system of claim 8, wherein:

the user request is an invocation of a help function in the application program; and

the routing means constitutes means for routing help information from a help data base in the application program to the second display means.

10. (Original) The system of claim 1, wherein:

the system further comprises means for continually monitoring an active window in the application program; and

the routing means constitutes means for automatically routing to the second display means, auxiliary information that corresponds to a window that the monitoring means determines to be the active window.

11. (Original) The system of claim 10, wherein the routing means constitutes:

means for automatically routing to the second display means, help information that corresponds to a window that the monitoring means determines to be the active window.

12. (Amended) A method for displaying auxiliary information to prevent overlap with display of a main window of an application program, the method comprising the steps of:

routing and displaying the main window of the application program to a first dedicated display area that cannot display the auxiliary information; and

separately routing the auxiliary information to a second dedicated display area that cannot display the main window, so that display of the auxiliary information never overlaps display of the main window.

13. (Original) The method of claim 12, wherein:

the routing step includes using a multimonitor support feature inherent in an operating system of a computer system that executes the application program.

14. (Original) The method of claim 12, wherein:

the auxiliary information is help information from a help data base included in the application program.

15. (Original) The method of claim 12, wherein:

the first and second display means constitute different portions of a screen on a single display device.

16. (Original) The method of claim 12, wherein:

the first and second display means constitute respective first and second physically separate display devices.

17. (Original) The method of claim 16, wherein:

the second display device is physically smaller than the first display device.

18. (Original) The method of claim 16, wherein:

the second display device has a lower resolution than the first display device.

19. (Original) The method of claim 12, wherein:

the method further comprises intercepting a user request; and

the routing step includes routing the auxiliary information to the second display means in response to the interception of the user request.

20. (Original) The method of claim 19, wherein:

the user request is an invocation of a help function in the application program; and

the routing step constitutes routing help information from a help data base in the application program to the second display means.

21. (Original) The method of claim 12, wherein:

the method further comprises continually monitoring an active window in the application program; and

the routing step constitutes automatically routing the second display means, auxiliary information that corresponds to a window that the monitoring step determines to be the active window.

22. (Original) The method of claim 21, wherein:

automatically routing to the second display means, help information that corresponds to a window that the monitoring step determines to be the active window.